

Appl. No.09/242,014
Atty. Docket No. CM1189
Amdt. dated August 25, 2005
Reply to Office Action of August 1, 2005
Customer No. 27752

REMARKS

Claim Status

Claim 1 is pending in the present application. No additional claims fee is believed to be due.

Rejection Under 35 USC §102 Over Nakanishi et al.

Claim 1 has been rejected under 35 USC §102(b) as being anticipated by Nakanishi et al. (5,201,727). This rejection is traversed.

Nakanishi et al. discloses an absorbent article have integral side wrapping elements extending from the main body portion. The side wrapping elements are folded along fold lines and attached to the garment facing side of the main body portion.

Claim 1 of applicants invention is directed to a disposable absorbent article comprising side wrapping elements that are folded along fold lines and attached to the garment facing side of the main body portion. The side wrapping elements are attached in such a way so as to be pre-positioned in an in-use-position prior to the use of the disposable absorbent article.

According to the Office Action Figures 1a and 1b are said to depict the absorbent article of Nakanishi et al. in an in-use-position prior to use. This is incorrect. A careful reading of Nakanishi et al. reveals that the attachment of the side wrapping elements to the main body portion as depicted in Figures 1a and 1b is not an attachment that creates a structure which is pre-positioned in an in-use-position prior to use.

The side wrapping elements of Nakanishi et al. are not attached to the garment facing side of the main body portion in such a way so as to be pre-positioned in an in-use-position prior to the use of the disposable absorbent article. In fact, quite the opposite is true. According to col. 5, lines 44-64, the side wrapping elements are attached to the main body portion such that they must be manipulated numerous times to be in an in-use-position. First, side wrapping elements of Nakanishi et al. are separated from the main body and folded outwardly. This folded outwardly position is shown in Figure 2 of Nakanishi et al. The main body of the Nakanishi et al. absorbent article is then affixed to the undergarment with adhesive portions 7. The side wrapping elements of Nakanishi et al. are then bent inwardly to wrap the edges of the undergarment. The adhesive portion 6 then affixes the side wrapping elements of Nakanishi et al. to the undergarment.

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Thus, it is clear that the attachment of the side wrapping elements to the main body portion as depicted in Figures 1a and 1b of Nakanishi et al. is not an attachment that creates a structure which is pre-positioned in an in-use-position prior to use. Nakanishi et al. does not anticipate Claim 1 as it fails to disclose each and every element of Claim 1.

Conclusion

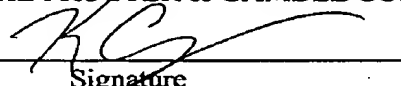
In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC 102. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, and allowance of Claim 1 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By



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Date: August 25, 2005
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